

United States District Court  
Eastern District of Michigan

United States of America  
V.  
Bobby Earl Allen

**ORDER OF DETENTION PENDING REMOVAL**

Defendant

Case Number:06-30182 (ED MI)

New Mexico: CR 06 0158 JC

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

I FIND THAT THERE APPEARS TO BE AN ORDER REVOKING BOND PURSUANT TO A PETITION FILED BY PRETRIAL SERVICES. THERE IS NO MOTION FROM AN ATTORNEY FOR THE GOVERNMENT REQUESTING REVOCATION AND NO SEPARATE ORDER GRANTING REVOCATION. DEF. HAS OBJECTED TO THE WARRANT AND WAS ADVISED BY THE COURT THAT THIS IS AN ISSUE WHICH SHOULD BE DEALT WITH IN THE DISTRICT OF PROSECUTION.

With respect to the government's motion for detention, the court finds as follows:

**Part I – Findings of Fact**

**✓(1) I find that:**

- ✓ there is probable cause to believe that the defendant has committed an offense
- ✓ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841;
- ☐ under 18 U.S.C. § 924(c).

**✓(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.**

**Alternative Findings**

☐ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

☐ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

**Part II – Written Statement of Reasons for Detention**

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ✓ (a) nature of the offense—Transportation of more than 100 kgs of marijuana
- ✓ (b) weight of the evidence—Indictment for same
- ✓ (c) history and characteristics of the defendant
  - ✓ 1) physical and mental condition—Some unspecified health issues raised as reasons for failure to comply
  - ✓ 2) employment, financial, family ties—Is a truck driver, has ties to ED of Michigan
  - ✓ 3) criminal history and record of appearance—Has failed to comply with terms of his release in this case
- ✓ (d) probation, parole or bond at time of the alleged offense - No
- ✓ (e) danger to another person or community— Unknown

**Part III – Directions Regarding Detention**

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date 4/6/2006

s/Virginia M. Morgan

*Signature of Judge*

Virginia M. Morgan, United States Magistrate Judge

*Name and Title of Judge*